



**COUNTY OF SAN LUIS OBISPO
DEPARTMENT OF PLANNING AND BUILDING
STAFF REPORT**

PLANNING DEPARTMENT HEARING

*Promoting the wise use of land
Helping build great communities*

MEETING DATE October 7, 2005		CONTACT/PHONE Nick Forester 781-1163	APPLICANT Manuel and Helen Cisneros	FILE NO. COAL04-0583 SUB2004-00190
SUBJECT Hearing to consider a request by Manuel and Helen Cisneros for a Lot Line Adjustment to adjust the lot lines between three parcels of 2,366 square feet, 4,660. square feet and 6,807. square feet each. The adjustment will result in three parcels of 5,268 square feet, 4,326 square feet and 4,240 square feet each. The project will not result in the creation of any additional parcels. The proposed project is within the Residential Single Family land use category and is located at 1155 K street in the community of San Miguel The site is in the Salinas River planning area.				
RECOMMENDED ACTION Approve Lot Line Adjustment COAL 04-0583 based on the findings listed in Exhibit A and the conditions listed in Exhibit B				
ENVIRONMENTAL DETERMINATION A Class 5 Categorical Exemption was issued on September 8, 2005.				
LAND USE CATEGORY Residential Single Family	COMBINING DESIGNATION None	ASSESSOR PARCEL NUMBER 021-271-002	SUPERVISOR DISTRICT(S) 1	
PLANNING AREA STANDARDS: None applicable to this project.				
LAND USE ORDINANCE STANDARDS: Section 22.10.110- Minimum Site Area				
EXISTING USES: Residence and accessory structures				
SURROUNDING LAND USE CATEGORIES AND USES: <i>North:</i> HWY 101/Residential Rural/ Residential <i>East:</i> Residential Single Family/Residential <i>South:</i> Residential Single Family/Residential <i>West:</i> Residential Single Family/Residential				
ADDITIONAL INFORMATION MAY BE OBTAINED BY CONTACTING THE DEPARTMENT OF PLANNING & BUILDING AT: COUNTY GOVERNMENT CENTER ♦ SAN LUIS OBISPO ♦ CALIFORNIA 93408 ♦ (805) 781-5600 ♦ FAX: (805) 781-1242				

OTHER AGENCY / ADVISORY GROUP INVOLVEMENT: The project was referred to: San Miguel Advisory Group, Public Works, Environmental Health, APCD, County Parks Department.	
TOPOGRAPHY: Level	VEGETATION: Ornamental trees and shrubs
PROPOSED SERVICES: Water supply: Community system Sewage Disposal: Community sewage disposal system Fire Protection: San Miguel Community Service District	ACCEPTANCE DATE: January 10, 2005

ORDINANCE COMPLIANCE:

The applicant is proposing to adjust the lot lines between three legal parcels as follows:

EXISTING LOT SIZES (ACRES)	ADJUSTED PARCEL SIZES (ACRES)
2366.9	5268.0
4660.5	4326.6
6807.3	4240.1

Section 21.02.030 of the Real Property Division Ordinance states that a lot line adjustment shall not be approved or conditionally approved unless the new parcels resulting from the adjustment will maintain a position which is better than, or equal to, the existing situation relative to the county's zoning and building ordinances.

The minimum parcel size for any new land divisions in the Residential Single Family land use category is 6,000 square feet. The present configuration of the parcels is such that one parcel conforms to the 6,000 square foot requirement and two parcels are legal but do not meet the 6,000 square foot requirement.

Although the lot line adjustment will result in the 6,807 square foot parcel being reduced to 4,240 square feet, the legal 2,366 square foot parcel will increase to 5268 square feet and will be less nonconforming to the minimum parcel size.

Because the adjustment will result in the reconfiguration of the three existing parcels to more nearly equalize the parcel sizes and to create parcels which better conform to the minimum parcel size for the land use category, the adjustment is consistent with Section 21.02.030 of the Real Property Division Ordinance.

Section 22.10.110 of the Land Use Ordinance states that the minimum site area for parcels in the Residential Single Family land use category is 1,750 square feet. The proposed parcel sizes are consistent with Section 22.10.110 of the Land Use Ordinance.

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As of January 1, 2002, lot line adjustments are limited to four or fewer existing adjoining parcels. In addition, the new parcels must comply not only with zoning and building regulations, but also with the general plan and any applicable coastal plan. The County's local ordinance allows a determination to be made that the proposed situation is equal to or better than the existing situation. Because the adjustment will result in the reconfiguration of the three existing parcels to more nearly equalize the parcel sizes and to create parcels which better conform to the minimum parcel size for the land use category, staff has concluded that the adjustment is consistent with both state and local law.

LEGAL LOT STATUS:

Certificates of Compliance (COC no. 2004-098629, COC no. 2004-098630 and COC no. 2004-098631) were recorded for the three parcels on November 9, 2004.

FINDINGS - EXHIBIT A

- A. The proposed Lot Line Adjustment is consistent with the provisions of Section 21.02.030 of the Real Property Division Ordinance because the adjustment will result in the reconfiguration of the three existing parcels to more nearly equalize the parcel sizes and to create parcels which better conform to the minimum parcel size for the land use category.
- B. The proposal will have no adverse effect on adjoining properties, roadways, public improvements, or utilities.
- C. Compliance with the attached conditions will bring the proposed adjustment into conformance with the Subdivision Map Act and Section 21.02.030 of the Real Property Division Ordinance.
- D. The project qualifies for a Categorical Exemption (Class 5) pursuant to CEQA Guidelines Section 15303 because the project involves a minor lot line adjustment on land with a slope of less than 20 percent and will not result in changes in land use or density.

CONDITIONS - EXHIBIT B

1. This adjustment may be effectuated by recordation of a parcel map or recordation of certificates of compliance. If a map is filed, it shall show:
 - a. All public utility easements.
 - b. All approved street names.
2. Any private easements described in the title report must be shown on the map, with recording data.
3. When the map is submitted for checking, or when the certificate of compliance is filed for review, provide a preliminary title report to the County Engineer or the Planning Director for review.
4. All conditions of approval herein specified are to be complied with prior to the recordation of the map or certificates of compliance which effectuate the adjustment. Recordation of a map is at the option of the applicant. However, if a map is not filed, recordation of a certificate of compliance is mandatory.
5. The map or certificates of compliance shall be filed with the County Recorder prior to transfer of the adjusted portions of the property or the conveyance of the new parcels.
6. In order to consummate the adjustment of the lot lines to the new configuration when there is multiple ownerships involved, it is required that the parties involved quitclaim their interest in one another new parcels. Any deeds of trust involving the parcels must also be adjusted by recording new trust deeds concurrently with the map or certificates of compliance.
7. If the lot line adjustment is finalized using certificates of compliance, prior to final approval the applicant shall prepay all current and delinquent real property taxes and assessments collected as real property taxes when due prior to final approval.
8. The lot line adjustment will expire two years (24 months) from the date of the approval, unless the map or certificates of compliance effectuating the adjustment is recorded first. Adjustments may be granted a single one year extension of time. The applicant must submit a written request with appropriate fees to the Planning Department prior to the expiration date.
9. All timeframes on completion of lot line adjustments are measured from the date the Review Authority approves the lot line adjustment map, not from any date of possible reconsideration action.
10. The accessory structures and inoperable vehicles stored on proposed parcels 2 and 3 shall be removed or brought into conformance with the Land Use Ordinance prior to the recordation of the map or certificates of compliance which effectuate the adjustment.

11. All parcels shall be provided with legal access from a public road. Easements or offers of dedication with a minimum width of 20 feet shall be recorded for all parcels that currently do not have access. These shall be shown on a map (if a map is used to final the adjustment) or recorded with the certificates of compliance.

Staff report prepared by Nick Forester and reviewed by Kami Griffin.